

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF SEPTEMBER 4, 2001**

**FENTON TOWNSHIP CIVIC COMMUNITY CENTER
12060 MANTAWAUKA DRIVE, FENTON, MICHIGAN**

Supervisor Gabrielson called the meeting to order at 7:30 p.m.

Present: Gabrielson, Mueller, Krug, Mathis, McKenna, Rowe, Office Manager
Broecker and Attorney Cooley

Absent: Garfield

PLEDGE OF ALLEGIANCE:

Supervisor Gabrielson led the pledge of allegiance to the flag.

APPROVAL OF AGENDA:

Motion to approve the 9/4/01 Fenton Township Board Meeting agenda as presented.

Motion by: Rowe

Seconded: McKenna

Ayes: All Present

Nays: None

Absent: Garfield

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes of the 8/20/01 regular meeting stand approved as presented.

EXPENDITURES:

Motion to approve invoices for payment as presented.

Motion by: McKenna

Seconded: Rowe

Ayes: Gabrielson, Mueller, Krug, Mathis, McKenna, Rowe

Nays: None

Absent: Garfield

Motion carried.

PUBLIC HEARINGS:

Dollar Lake Improvement Special Assessment District/2nd Hearing

Supervisor reviewed the proposed special assessment district for a six-year weed control project on Dollar Lake. Office Manager Broecker reviewed minor changes to the assessment roll – the removal of one parcel and the addition of two parcels.

Public Comment:

Walter Clausen, 1526 Triple Oak Drive

Mr. Clausen again inquired regarding the possibility of assessing the platted park for this assessment. Office Manager Broecker responded that the park is owned by the subdivision association and is not currently taxed. For future assessments, the non-lakefront properties that have access to the park could be included in the assessment district, however it was not included in the petition language for this assessment.

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Trustee McKenna commended Mr. Clausen for taking an interest and getting involved in the special assessment process. His input resulted in corrective revisions to the assessment roll.

There was no further comment. Clerk Mueller presented the following resolution:

RESOLUTION NO. 2001-26

WHEREAS, the township board of the Charter Township of Fenton, Genesee County, Michigan, after due and legal notice, has conducted a public hearing upon a proposed assessment roll prepared by the supervisor and assessing officer of the Township for the purpose of defraying the costs of the weed eradication/control project proposed to be initiated within the Dollar Lake Improvement Special Assessment District as shown on the plans and specification for such project, and

WHEREAS, such public hearing was preceded by proper notice in a newspaper of general circulation in the Township, and by First Class Mail notice to each property owner of record within said district and upon said assessment roll, and

WHEREAS, all present at said public hearing were given the opportunity to be heard in the matter, and

WHEREAS, written objections were received to said roll and levy, and

WHEREAS, a record of those present to protest, and of written protests submitted at or before the public hearing was made a part of the minutes of the hearing, and

AND WHEREAS, the verbal comments received and information provided indicated the reasonableness of the following amendments to said assessment roll:

- 1. Removal of parcel 06-12-651-013.*
- 2. Addition of parcels 06-12-651-001 and 06-12-552-012.*
- 3. Revised per parcel assessment is \$103.56 in 2001 and \$91.36 in 2002 through 2006.*

and,

WHEREAS, the Township Board has duly inspected the proposed assessment roll and considered all comments and proposed amendments thereto and has found the proposed assessment roll, as amended, to be correct, just and reasonable;

THEREFORE BE IT RESOLVED, that the assessment roll submitted by the supervisor and assessing officer of the Township shall hereafter be designated as Fenton Township Special Assessment Roll No. 2001-2 and shall hereby be confirmed as the assessment roll for the Dollar Lake Improvement Special Assessment District.

BE IT FURTHER RESOLVED, that the assessments in said Fenton Township Special Assessment Roll No. 2001-2 shall be divided into six annual installments with the

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first installment due on or before December 1, 2001 and the following installments to be due on or before the first day of December of the years 2002 through 2006 inclusive.

BE IT FURTHER RESOLVED, that future due installments of an assessment against any parcel of land may be paid to the Township Treasurer at any time in full. If any installment of a special assessment is not paid when due, then the installment shall be considered to be delinquent and there shall be collected a penalty at the rate of 1% for each month, or fraction of a month, that the installment remains unpaid before being reported to the Township Board for reassessment upon the Township tax roll, in accordance with Michigan P.A. 188 of 1954, as amended.

BE IT FURTHER RESOLVED, that the assessments made in said special assessment roll are hereby ordered and directed to be collected by the Township Treasurer, and the Township Clerk shall deliver said special assessment roll to said Treasurer with his warrant attached, commanding the Treasurer to collect such assessments in accordance with the direction of the Township Board and said P.A. 188 of 1954.

BE IT FURTHER RESOLVED, that all resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.

Motion to adopt Resolution No. 2001-26 as presented.

Motion by: Mueller

Seconded: McKenna

Ayes: Gabrielson, Mueller, Krug, Mathis, McKenna, Rowe

Nays: None

Absent: Garfield

Motion carried. Resolution declared adopted.

Pine Lake Improvement Special Assessment District/1st Hearing

Supervisor Gabrielson reviewed the proposed special assessment district for a five-year weed control project on Pine Lake. This is, in effect, a renewal of a similar assessment that expired after the 2000 tax roll.

Public Comment:

Fred Wright, 16167 Meredith Court

Mr. Wright asked for clarification of the special assessment process and how much the proposed assessment would be. Supervisor Gabrielson explained the two hearing process and Mr. Wright was also informed that the proposed assessment is \$88.10 per year.

Leonard Klosterman, 4412 Eleanor Drive

Mr. Klosterman stated that he is in favor of the proposed assessment.

Mike Smith, 15459 Whitaker Road

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Mr. Smith also supports the proposed assessment. He added that a significant majority of Pine Lake riparians are in favor of the project.

Ray Lord, 4520 Eleanor Drive

Mr. Lord distributed a flyer regarding yard maintenance for lakefront properties.

Doug Kusmierz, 5197 Harp Drive

Mr. Kusmierz asked about the treatment process. Clerk Mueller stated that the treatment process is monitored and managed on an ongoing basis. A copy of the proposal from Aquatic Nuisance Plant Control can be obtained from the township office.

There was no further comment. Clerk Mueller presented the following resolution:

RESOLUTION NO. 2001-27

WHEREAS, the Fenton Township Board has received petitions signed by more than 50% of the total land area of the proposed Special Assessment District described hereinafter, and accordingly, determined to proceed under the provisions of 1954 PA 188, as amended, to secure plans and estimates of cost together with a proposed Special Assessment District for assessing the costs of the proposed lake improvement project to schedule a public hearing upon the same for this date, and

WHEREAS, the plans, estimates of cost and proposed Special Assessment District were filed with the Township Clerk for public examination and notice of the hearing upon same was published and mailed in accordance with law and statute provided as shown by affidavits pertaining thereto on file with the Township Clerk, and

WHEREAS, in accordance with the aforesaid notices, a hearing was scheduled this 4th day of September 2001 commencing at 7:30 p.m. and all persons given the opportunity to be heard in the matter, and

WHEREAS, as a result of the foregoing, the Township Board believes the project to be in the best interests of the Township and of the district proposed to be established therefor;

THEREFORE BE IT RESOLVED, that the Fenton Township Board does hereby determine that the petitions for the Pine Lake Improvement Special Assessment District were properly signed by the record owners of land whose land area constitutes more than 50% of the total land area upon the proposed improvement, and

BE IT FURTHER RESOLVED, that the Fenton Township Board does hereby approve the plans for the improvement of Pine Lake through the control and/or eradication of aquatic weeds as prepared and presented, and the estimated costs thereof of \$11,900.00 per year for five years, and

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BE IT FURTHER RESOLVED, that the Fenton Township Board does hereby create, determine and define as a Special Assessment District to be known as the Pine Lake Improvement Special Assessment District, within which the costs of such improvements shall be assessed, the following described area within said township:

All properties abutting Pine Lake

BE IT FURTHER RESOLVED, that on the basis of the foregoing, the Fenton Township Board does hereby direct the Supervisor and assessing officer to make a special assessment roll in which shall be entered and described all the parcels of land to be assessed with the names of the respective owners thereof if known, and a total amount to be assessed against each parcel of land in the Special Assessment District. When the same has been completed, the Supervisor and assessing officer shall affix thereto his/her certificate stating that it was made pursuant to this Resolution and that in making such assessment roll, he has, according to his best judgement, conformed in all respects to the directions contained in this Resolution and the applicable state statutes.

Motion to adopt Resolution No. 2001-27 as presented.

Motion by: Mueller

Seconded: McKenna

Ayes: Gabrielson, Mueller, Krug, Mathis, McKenna, Rowe

Nays: None

Absent: Garfield

Motion carried. Resolution declared adopted.

Supervisor Gabrielson stated that, in anticipation of the adoption of the preceding resolution, a certified assessment roll has already been created and submitted to the Clerk's office. Clerk Mueller presented the following resolution:

RESOLUTION NO. 2001-28

A resolution scheduling a hearing on the assessment roll for the Pine Lake Improvement Special Assessment District.

WHEREAS, the Supervisor and assessing officer of Fenton Township has, in accordance with the Resolution of the Fenton Township Board and the laws and statutes pertinent thereto, prepared a special assessment roll in the total amount of \$11,893.50 per year for the years 2001 through 2006, covering all parcels of land within the Pine Lake Improvement Special Assessment District, and has affixed thereto his Certificate as required by said Resolution;

THEREFORE BE IT RESOLVED, that said special assessment roll shall be filed with the Township Clerk and shall be available for public examination during regular business hours of regular business days from the present date until the public hearing upon the same and shall further be examined at such public hearing, and

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BE IT FURTHER RESOLVED, that the Fenton Township Board shall meet at 7:30 p.m. on September 17, 2001 at the Fenton Township Civic Community Center located at 12060 Mantawauka Drive, within the Township, to review such special assessment roll and hear any objections thereto, and

BE IT FURTHER RESOLVED, that the Township Clerk shall cause notice of such hearing and the filing of such assessment roll to be published twice in a newspaper of local circulation prior to the date of the hearing, with the first publication being not less than ten (10) days prior to the hearing and shall further cause notice of such hearing to be mailed by First Class Mail to all owners of or persons having an ownership interest in property within the Pine Lake Improvement Special Assessment District as shown on the current assessment roll of the Township also at least ten (10) days prior to said hearing, all in accordance with the law and statute provided.

Motion to adopt Resolution No. 2001-28 as presented.

Motion by: Mueller

Seconded: Rowe

Ayes: Gabrielson, Mueller, Krug, Mathis, McKenna, Rowe

Nays: None

Absent: Garfield

Motion carried. Resolution declared adopted.

Crystal Cove Court Road Maintenance Special Assessment District/1st Hearing

Supervisor Gabrielson reviewed the proposed special assessment district for the maintenance Crystal Cove Court, a private street. There was no public comment. Clerk Mueller presented the following resolution:

RESOLUTION NO. 2001-29

WHEREAS, the Fenton Township Board has received petitions signed by record property owners representing more than 50% of the total road frontage of the proposed Special Assessment District described hereinafter, and accordingly, determined to proceed under the provisions of 1954 PA 188, as amended, to secure plans and estimates of cost together with a proposed Special Assessment District for assessing the costs of the proposed road maintenance project to schedule a public hearing upon the same for this date, and

WHEREAS, the plans, estimates of cost and proposed Special Assessment District were filed with the Township Clerk for public examination and notice of the hearing upon same was published and mailed in accordance with law and statute provided as shown by affidavits pertaining thereto on file with the Township Clerk, and

WHEREAS, in accordance with the aforesaid notices, a hearing was scheduled this 4th day of September 2001 commencing at 7:30 p.m. and all persons given the opportunity to be heard in the matter, and

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WHEREAS, as a result of the foregoing, the Township Board believes the project to be in the best interests of the Township and of the district proposed to be established therefor;

THEREFORE BE IT RESOLVED, that the Fenton Township Board does hereby determine that the petitions for the Crystal Cove Court Road Maintenance Special Assessment District were properly signed by the record owners of land whose road frontage constitutes more than 50% of the total road frontage upon the proposed improvement, and

BE IT FURTHER RESOLVED, that the Fenton Township Board does hereby approve the plans for the maintenance of Crystal Cove Court as prepared and presented, and the estimated costs thereof of \$675.00 per year, and

BE IT FURTHER RESOLVED, that the Fenton Township Board does hereby create, determine and define as a Special Assessment District to be known as the Crystal Cove Court Road Maintenance Special Assessment District, within which the costs of such maintenance shall be assessed, the following described area within said township:

Units 32-46 of the Crystal Cove Condominium Development

BE IT FURTHER RESOLVED, that on the basis of the foregoing, the Fenton Township Board does hereby direct the Supervisor and assessing officer to make a special assessment roll in which shall be entered and described all the parcels of land to be assessed with the names of the respective owners thereof if known, and a total amount to be assessed against each parcel of land in the Special Assessment District. When the same has been completed, the Supervisor and assessing officer shall affix thereto his/her certificate stating that it was made pursuant to this Resolution and that in making such assessment roll, he has, according to his best judgement, conformed in all respects to the directions contained in this Resolution and the applicable state statutes.

Motion to adopt Resolution No. 2001-29 as presented.

Motion by: Mueller

Seconded: Rowe

Ayes: Gabrielson, Mueller, Krug, Mathis, McKenna, Rowe

Nays: None

Absent: Garfield

Motion carried. Resolution declared adopted.

Supervisor Gabrielson stated that, in anticipation of the adoption of the preceding resolution, a certified assessment roll has already been created and submitted to the Clerk's office. Clerk Mueller presented the following resolution:

RESOLUTION NO. 2001-30

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WHEREAS, the Supervisor and assessing officer of Fenton Township has, in accordance with the Resolution of the Fenton Township Board and the laws and statutes pertinent thereto, prepared a special assessment roll in the total amount of \$675.00 per year covering all parcels of land in the Crystal Cove Court Road Maintenance Special Assessment District, and has affixed thereto his Certificate as required by said Resolution;

THEREFORE BE IT RESOLVED, that said special assessment roll shall be filed with the Township Clerk and shall be available for public examination during regular business hours of regular business days from the present date until the public hearing upon the same and shall further be examined at such public hearing, and

BE IT FURTHER RESOLVED, that the Fenton Township Board shall meet at 7:30 p.m. on September 17, 2001 at the Fenton Township Civic Community Center located at 12060 Mantawauka Drive, within the Township, to review such special assessment roll and hear any objections thereto, and

BE IT FURTHER RESOLVED, that the Township Clerk shall cause notice of such hearing and the filing of such assessment roll to be published twice in a newspaper of local circulation prior to the date of the hearing with the first publication being not less than ten (10) days prior to the hearing and shall further cause notice of such hearing to be mailed by First Class Mail to all owners of or persons having an ownership interest in property within the Crystal Cove Court Road Maintenance Special Assessment District as shown on the current assessment roll of the Township also at least ten (10) days prior to said hearing, all in accordance with the law and statute provided.

Motion to adopt Resolution No. 2001-30 as presented.

Motion by: Mueller

Seconded: Rowe

Ayes: Gabrielson, Mueller, Krug, Mathis, McKenna, Rowe

Nays: None

Absent: Garfield

Motion carried. Resolution declared adopted.

REPORTS:

MTA Seminar

Trustee Krug distributed to the board members copies of an outline from a recent MTA seminar he attended. He stated that he found the class, which addressed the board meeting process, very informative and useful.

COMMUNICATIONS:

None

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UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:

Rezoning #355, Bernard M. Dzido, Parcel 06-17-200-003; AG to R-1A/2nd Reading

Supervisor Gabrielson reviewed the proposed rezoning. The applicant wishes to rezone the property to allow one division to build another home. There was no further discussion.

Motion to adopt Ordinance No. 580, an amendment to the Zoning Ordinance to rezone parcel 06-17-200-003 from AG to R-1A, as requested.

Motion by: Mueller

Seconded: Krug

Ayes: Gabrielson, Mueller, Krug, Mathis, McKenna, Rowe

Nays: None

Absent: Garfield

Motion carried. Ordinance declared adopted.

Amendment to Zoning Ordinance-Special Use Designation for Schools/2nd Reading

Supervisor Gabrielson reviewed the proposed amendatory ordinance, which would designate schools as a Use After Special Approval in all zoning districts. Trustee McKenna added that, after further consideration, it may be appropriate to make the same designation for the PUD zoning district. Since the new Zoning Ordinance is nearing completion, however, it can be reflected in the new language rather than change this ordinance.

Motion to adopt Ordinance No. 581, an amendment to the Zoning Ordinance to designate schools as a Use After Special Approval in all zoning districts, as presented.

Motion by: Mueller

Seconded: McKenna

Ayes: Gabrielson, Mueller, Krug, Mathis, McKenna, Rowe

Nays: None

Absent: Garfield

Motion carried. Ordinance declared adopted.

UNFINISHED BUSINESS-OTHER:

Workshop Meetings

Supervisor Gabrielson reminded the board of the workshop meeting scheduled for Monday 9/10/01 at 7:00 p.m. He also noted that the Planning Commission had scheduled a special workshop meeting for Thursday 9/6/01 at 4:00 p.m. The purpose of this meeting is to further discuss the issue of changing land use designations in the Land Use Plan. Members of the township board are invited to attend.

NEW BUSINESS:

Resolution No. 2001-31 / Transfer of Liquor License – Fenton Farms Associates, Inc.

Supervisor Gabrielson reviewed a resolution to recommend approval of the transfer of an existing liquor license from Fenton Farms Developments, Inc. to Fenton Farms

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Associates, Inc. The license would not be transferred to a new location. The ownership of the business, (and the liquor license) is being transferred from one corporate entity to another. There was no further discussion. Clerk Mueller presented the following resolution:

RESOLUTION NO. 2001-31

WHEREAS, Fenton Farms Associates, Inc. has requested that the Charter Township of Fenton Board of Trustees recommend the approval of the transfer of an existing Class C licensed business with Dance-Entertainment Permit from Fenton Farms Developments, Inc., for their business located at 12312 Torrey Road;

THEREFORE BE IT RESOLVED, that the request from Fenton Farms Associates, Inc. to transfer ownership of 2001 Class C licensed business with Dance-Entertainment Permit, located at 12312 Torrey Road, Fenton, MI 48430, Fenton Township, Genesee County, from Fenton Farms Developments, Inc. be recommended for issuance.

Motion to adopt Resolution No. 2001-31 as presented.

Motion by: Mueller

Seconded: McKenna

Ayes: Gabrielson, Mueller, Krug, Mathis, McKenna, Rowe

Nays: None

Absent: Garfield

Motion carried. Resolution declared adopted.

Schedule 2002 Budget Hearing

Supervisor Gabrielson requested that the board formally adopt a motion to set the annual budget hearing for the 9/17/01 meeting. The second regular meeting of September has become the "standard" for this hearing.

Motion to schedule a public hearing for the 2002 Fenton Township Budget to be held at the 9/17/01 regular township board meeting.

Motion by: Mueller

Seconded: Krug

Ayes: Gabrielson, Mueller, Krug, Mathis, McKenna, Rowe

Nays: None

Absent: Garfield

Motion carried.

Re-appointment of Building Board of Appeals

Supervisor Gabrielson reported that the new Michigan Building Code, which went into effect on July 30, 2001, requires 2-year terms for the Building Board of Appeals members. Our current board, appointed under the provisions of the BOCA Building Code, have 5-year terms. He recommends that the township board re-appoint the Building Board of Appeals to comply with the new building code. Supervisor Gabrielson

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recommends re-appointing four of the five current members, plus Dennis Schaefer to replace Keith Edwards, who no longer lives in the area. Two of the initial terms are for one year to allow for staggered re-appointments.

Motion to appoint Dennis Schaefer to the Fenton Township Building Board of Appeals for the term ending September 30, 2003.

Motion by: Gabrielson

Seconded: Krug

Ayes: Gabrielson, Mueller, Krug, Mathis, McKenna, Rowe

Nays: None

Absent: Garfield

Motion carried.

Motion to make the following appointments to the Fenton Township Building Board of Appeals: Mark Mustola and Robert Rowley, for terms ending September 30, 2002; Larry Builte and Bruce Leuneberg, for terms ending September 30, 2003.

Motion by: Gabrielson

Seconded: Krug

Ayes: Gabrielson, Mueller, Krug, Mathis, McKenna, Rowe

Nays: None

Absent: Garfield

Motion carried.

OTHER ISSUES-TOWNSHIP BOARD:

None

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

Gary Carlson, 1441 Squaw Lake Drive

Mr. Carlson asked about the referenced combining of the existing Four Lakes private road maintenance special assessment with the proposed Crystal Cove Court assessment. Office Manager Broecker explained that the costs can be broken out separately and charged to the appropriate special assessment account. Repairs or maintenance specific to Crystal Cove Court will not be charged against the Four Lakes account.

Richard Shelp, 5127 Harp Drive

Mr. Shelp expressed concern regarding the condition of Whitaker Road between Owen Road and Harp Drive. Runoff, including runoff from the County Park, has eroded the road significantly and its condition is very poor. The erosion has exposed a natural gas line within the roadway and there are several dead trees along Whitaker Road. He asked the board to look into the drainage and drainage problems in the area. He also stated that Linden school buses use that road. Clerk Mueller noted that most of that section of Whitaker Road is not a certified public road and we may look into closing it off. Mr. Shelp also expressed concern about the current and future level of development in this area of the township and its impact on Pine Lake.

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Leonard Klosterman, 4412 Eleanor Drive

Mr. Klosterman stated that he is opposed to the proposed renovation of the township hall. Financing such a project would result in significant interest cost. He suggested that the board set aside funds for this type of project.

ADJOURN: Meeting adjourned at 8:20 p.m.

Carl Gabrielson, Supervisor

Charles Mueller, Clerk

Minutes Posted 9/7/01